

JONATHAN IVEY PATTERSON,
Plaintiff,

vs.

ANDREW M. SAUL,
Commissioner of Social
Security Administration,
Defendant.

Case 5:20-cv-00117-GCM Document 35 Filed 09/14/22 Page 1 of 3

remand the matter to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). The Fourth Circuit granted the motion to remand the case to the District Court, so that the parties could jointly ask the District Court to remand the case to the Commissioner for further administrative proceedings. (Doc. No. 25). The Commissioner then filed a joint motion for remand of the case pursuant to sentence four of 42 U.S.C. §§ 405(g) and 1383(c)(3) in this Court (Doc. 28), which the Court granted. Plaintiff subsequently filed an application for an award of \$20,358.33 in fees under the EAJA. (Doc. 31).

DISCUSSION

The EAJA provides that parties who prevail in litigation against the United States are entitled to payment for reasonable attorney's fees unless the United States was substantially justified in its litigation position. 28 U.S.C. § 2412(d)(1)(A). In order to establish eligibility for an award under the Act, the claimant must show that he is (i) the prevailing party; (ii) that the government's position was not substantially justified; (iii) that no special circumstances make an award unjust; and (iv) that the fee application was submitted to the court within thirty days of final judgment and was supported by an itemized statement. *See Crawford v. Sullivan*, 935 F.2d 655, 656 (4th Cir. 1991). The absence of any of the above factors shall preclude an award of fees. 28 U.S.C. § 2412(d)(1)(A), (B).

The only factor in dispute is whether the government's position was substantially justified. The government's position is substantially justified if it is "justified in substance or in the main"—that is, justified to a degree that could satisfy a reasonable person." *Pierce v. Underwood*, 108 S. Ct. 2541, 2549 (1988); *see also Cody v. Caterisano*, 631 F.3d 136, 141 (4th Cir. 2011) (quoting *Pierce*, 108 S. Ct. at 2550). Plaintiff argues that the mere fact that the Commissioner remanded the case means that the Commissioner's defense of the case was not

substantially justified. The Court finds this argument to be without merit. Indeed, this Court granted the Commissioner's "Motion for Summary Judgment" and found, consistent with the Commissioner's arguments, that the ALJ applied the correct legal standards and substantial evidence supported his conclusion that Plaintiff was not disabled. (Doc. 20). Accordingly, the Court finds that the Commissioner's position was substantially justified. The Court therefore finds it unnecessary to address whether the requested fees are reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Fees Pursuant to the Equal Access to Justice Act is hereby DENIED.

Signed: September 14, 2022

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

